

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DELROY HORACE MCPHERSON,)	Civil Action No. 23-10912-FDS
)	
Petitioner,)	
)	
v.)	
)	
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT,)	
)	
Respondent.)	
)	
)	

ORDER OF TRANSFER

SAYLOR, C.J.

Delroy Horace McPherson, who is confined in Dover, New Hampshire, in a facility operated by the Strafford County Department of Corrections, has filed a petition under 28 U.S.C. § 1441 for a writ of habeas corpus. McPherson, an immigration detainee, seeks immediate release.

The Court does not have jurisdiction over this matter. District courts are limited to granting habeas relief ‘within their respective jurisdictions.’” *Rumsfeld v. Padilla*, 542 U.S. 426, 442 (2004) (quoting 28 U.S.C. § 2241(a)). Unless a statute explicitly states otherwise, “for core habeas petitions challenging present physical confinement, jurisdiction lies in only one district: the district of confinement.” *Id.* at 443. Here, McPherson challenges his present physical confinement in New Hampshire.

Because jurisdiction over McPherson’s petition does not lie in the District of Massachusetts, the Court hereby orders that this action be TRANSFERRED to the United States

District Court for the District of New Hampshire. *See* 28 U.S.C. § 1404(a) (providing for the transfer of a civil action “to any other district or division where it might have been brought”).

So Ordered.

/s/ F. Dennis Saylor IV

F. Dennis Saylor IV

Chief Judge, United States District Court

Dated: April 28, 2023